

**ORDINANCE NO. 050210-34**

**AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 708 EAST 6<sup>TH</sup> STREET FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR EXPANSION AND REMODELING OF AN EXISTING STRUCTURE IN THE 25 AND 100-YEAR FLOODPLAIN, AND PROVIDING AN EXPIRATION FOR THE VARIANCES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Council has considered the factors for granting a variance from floodplain regulations prescribed by Section 25-12-3 (*Local Amendments to the Building Code*), Appendix Chapter 58, Article 8, Subsection D (*Variance Procedures*) of the City Code. Council finds that the variance granted by this ordinance is the minimum necessary to afford relief, is based on good and sufficient cause, and failure to grant the variance would result in exceptional hardship. Council further finds that the variance granted in this ordinance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

**PART 2.** This ordinance applies to the expansion and remodeling of an existing structure at 708 East 6<sup>th</sup> Street within the 25 and 100-year floodplain, subject to Site Plan Permit No. SP-04-0997C.

**PART 3.** A variance is granted from:

- (A) the restriction on construction in the 25 and 100-year floodplain prescribed by Section 25-7-92 (*Encroachment On Floodplain Prohibited*) of the City Code; and
- (B) the requirement to dedicate the 100-year floodplain easement prescribed by Section 25-7-152 (*Dedication of Easements and Rights-of-Way*).

**PART 4.** The variance granted in this ordinance is effective only upon the satisfaction of the following condition:

The applicant shall submit a complete Elevation Certificate certifying the elevation of the finished structure, signed by a Texas registered professional land surveyor, before the City may issue a Certificate of Occupancy for the proposed structure.

**PART 5.** If the project for which this variance is granted does not receive all necessary building permits on or before February 3, 2006, this variance expires.

**PART 6.** Approval of this variance does not constitute approval of zoning, subdivision, a site plan, a building permit, or any other development permit, and it does not constitute a commitment to any particular land use, intensity of land use, or utility services. Approval of this variance does not constitute a guarantee of flood insurance availability, rates, or requirements.

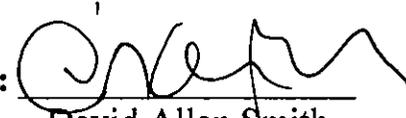
**PART 7.** This ordinance takes effect on February 21, 2005.

**PASSED AND APPROVED**

\_\_\_\_\_  
February 10, 2005

§  
§  
§

\_\_\_\_\_  
  
Will Wynn  
Mayor

**APPROVED:**   
\_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:**   
\_\_\_\_\_  
Shirley A. Brown  
City Clerk